IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 10314 of 2004

Between:

D.Gopal Reddy S/o Chinnaiah Krishnapuram Village, Veldurthi Mandal, Kurnool District

..... PETITIONER

AND

1 The Director Mines and Geology,
Andhra Pradesh at Hyderabad
2 The Deputy Director Mines and Geolgoy , Kurnool,
Kurnool district
3 The Assistant Director Mines and Geology , Kurnool
4 The District Collector Kurnool, Kurnool district
5 The Mandal Revenue Officer Veldurthi Mandal , Kurnool District
6 The Sub Inspector of Police Veldurthi Police Station , Kurnool District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the show cause Notice in his Proceedings No. 215/M4/2003 dt. 03/03/2004 for determination of the Lease granted on 30/12/2003, as bad, arbitrary, illegal and violative of Principles of Natural Justice

Counsel for the Petitioner: MR.C.DAMODHAR REDDY

Counsel for the Respondents: GP FOR MINES AND GEOLOGY

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner, aggrieved by the show-cause notice dated 03.03.2004 under which the mining lease granted in favour of the petitioner, is sought to be determined.

2. According to the petitioner, the respondent-authorities, after complying with the Rules contemplated under the provisions of Mining Act and the Rules framed thereunder, granted quarrying lease for Lime stone slabs Black. When the petitioner is carrying on the mining, the impugned show-cause notice was issued observing that the District Collector has taken certain objections in view of the similar mining lease granted in favour of the District S.C. Services Society Ltd., in respect of Survey No.4/P of Kalugotla village. The grievance of the petitioner is that the lease granted to him relates to the land in Survey Nos.1153/P and 1154/P of Kalugotla village, Veldurthi Mandal, Kurnool District. Therefore, the mining lease granted in his favour has nothing to do with reference to the lease granted in favour of the District S.C. Services Society Ltd. But, however, at the instance of Revenue authorities, the Mining Department has taken the impugned action and proposing to determine the lease granted in favour of the petitioner.

3. In any case, it is the matter to be enquired into by the appropriate authority after receiving the explanation filed by the petitioner, whether there is any valid ground to determine the lease granted to the petitioner, and what was the nature of the objections, which are not clear from the show-cause notice.

4. In fact, this Court adjourned the matter twice from 23.06.2004 to 30.06.2004 and again from 30.06.2004 to today. In spite of it, the learned Government Pleader is unable to specify the real objection of the Department from allowing the petitioner to carry on the mining operations or the grounds under which the impugned show-cause notice was issued. In view of the above inaction on the part of the learned Government Pleader to get appropriate instructions, this Court is of the opinion that it is proper to dispose of the matter at the admission stage, so as to consider the objections of the petitioner by the appropriate competent authority who has issued the impugned show-cause notice i.e., the Deputy Director of Mines and Geology, Kurnool.

5. Under the above circumstances, the writ petition is disposed of directing the petitioner to file his explanation, if not already filed, within a period of ten days from the date of receipt of a copy of this order and further the Deputy Director of Mines and Geology is directed to consider the objections of the petitioner and pass appropriate orders after hearing the petitioner. Pending passing of appropriate orders, the respondents shall not interfere with the mining operations that are being carried on by the petitioner with reference to the land situated in Survey Nos.1153/P and 1154/P, Kalugotla village, Veldurthi Mandal, Kurnool District, in respect of which the petitioner was granted mining lease for quarrying Lime stone slabs Black.

6. The sixth respondent is directed to provide protection to the petitioner to carry on the mining operations as long as the mining lease granted to the petitioner is subsisting.

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05.07.2004

VGB

To

1 The Director, Mines and Geology,
Andhra Pradesh at Hyderabad
2 The Deputy Director Mines and Geology , Kurnool,
Kurnool District
3 The Assistant Director Mines and Geology , Kurnool
4 The District Collector Kurnool, Kurnool District
5 The Mandal Revenue Officer, Veldurthi Mandal , Kurnool District
6 The Sub Inspector of Police Veldurthi Police Station , Kurnool District,

7 2CCs to the Govt. Pleader for Mines and Geology, High Court Buildings, Hyderabad (OUT)

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